

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JUNE 11, 2013**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM MAY 14, 2013

III. STAFF COMMENTS AND PROCEDURES

1. UDO Amendments
2. Preliminary Plat/Preliminary Development Plan – Horseshoe Ridge – for a 24 lot single family residential development located at 4101-4299 Cliff Drive. Requested by Pat Mickle, agent for RA Young Properties Limited Partners. (companion item to item #3)
3. Rezoning #7-6-13; A request by Pat Mickle, agent for RA Young Properties Limited Partners, for a zone change from Residential Estate Three Acres (RE-3) and Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2) by Classification located at 4101-4299 Cliff Drive. (companion item to item #2)
4. Conditional Use #14-6-13; A request by Anthony Leraris, agent for Dwight Curry and Lynn Curry, for a conditional use for an event center located at 7607 Rogers Avenue.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
MAY 14, 2013**

On roll call, the following Commissioners were present: Vicki Newton, Brandon Cox, Marshall Sharpe, Rett Howard, Jennifer Parks, Richard Spearman, Don Keesee and Bob Cooper, Jr. Commissioner John Huffman was absent.

Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to approve the minutes of the April 9, 2013, meeting and the May 7, 2013, special meeting as written.

Ms. Maggie Rice welcomed new Commissioners Don Keesee and Bob Cooper, Jr.

Ms. Maggie Rice spoke on the procedures.

1. Unified Development Ordinance

Ms. Maggie Rice read the staff report noting that after the approval of the Planned Zoning District amendment, staff began working on a series of editorial amendments to incorporate the Planned Zoning District into the code. Ms. Rice stated that these proposed amendments include adding the Planned Zoning District to the Table of Contents, as well as various charts throughout the code. Ms. Rice also noted the following amendments for Planning Commission consideration:

- For clarification, staff is recommending adding the definition of multifamily development.
- The two references to Temporary Use Permits within the two different charts do not accurately reflect the code. The temporary use permit appeal process is multi-faceted and too complicated to accurately reflect in these charts, so staff believes that for now the best approach is to remove the temporary use permit process from the charts. The requirements are still in the specific sections of the code and staff will work with the city attorney about developing a resolution and

possibly streamlining the appeal process for temporary use permits and the recommendation will be brought back to the Planning Commission when research is complete.

- Currently, the Industrial Design Standards apply to projects on major arterial streets only. Staff is proposing to add boulevards, the only additional street classification higher than a major arterial to this requirement. The appearance of major arterials and boulevards is important as mentioned within the Comprehensive Plan as these streets are typically highly visible and traveled frequently.
- The appeal process within the Appeals of Administrative Decisions section of the code needs further clarification and staff has utilized the same language that is present in other development applications.
- The appeal/vested rights section of Appendix B, the fee chart, needed further clarification.

No one was present to speak either in favor or in opposition to the Unified Development Ordinance Amendments.

Chairman Sharpe then called for the vote on the Unified Development Ordinance amendments. The vote was 8 in favor and 0 opposed.

- 2. Rezoning #5-5-13; A request by Travis Brisendine, agent for Umarex USA, for a zone change from Not Zoned to Industrial Light (I-1) by Classification located at 7700 Chad Colley Boulevard. (companion item to item #3)**
- 3. A request by Travis Brisendine, agent for Umarex USA, for development plan approval of an expansion to the Umarex USA headquarters located at 7700 Chad Colley Boulevard. (companion item to item #2)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for an expansion of the existing facility and an increase in parking spaces for the employee parking lot. Ms. Rice stated that a neighborhood meeting was held on Thursday, May 9, 2013, at 7700 Chad Colley Boulevard with the applicant and city staff being the only persons in attendance.

Mr. Travis Brisendine was present to speak on behalf of these requests.

No one was present to speak in opposition to the requests.

Chairman Sharpe then called for the vote on these requests.

- 2. Rezoning #5-5-13; A request by Travis Brisendine, agent for Umarex USA, for a zone change from Not Zoned to Industrial Light (I-1) by Classification located at 7700 Chad Colley Boulevard. (companion item to item #3)**

Motion was made by Commissioner Spearman, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to all construction being built in accordance with the development plan as submitted.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 8 in favor and 0 opposed.

- 3. A request by Travis Brisendine, agent for Umarex USA, for development plan approval of an expansion to the Umarex USA headquarters located at 7700 Chad Colley Boulevard. (companion item to item #2)**

Motion was made by Commissioner Parks, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to the following:

- All construction must be approved by the Chaffee Crossing – Design Review Committee
- All construction must be built in accordance with the submitted development plan.
- The conceptual development plan that has been submitted will be further reviewed for all codes and ordinances when a more detailed plan is submitted for a building permit. The Planning Commission approval of the development plan does not waive or provide any variances for any codes or standards required for development.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 8 in favor and 0 opposed.

- 4. Rezoning #6-5-13; A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for a zone change from Transitional (T) to Commercial Heavy (C-5) by Extension, located at 8100 Rogers Avenue. (companion item to item #5)**
- 5. A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for development plan approval of a retail development located at 8100 Rogers Avenue. (companion item to item #4)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow the entire property to be developed in a consistent manner. Ms. Rice stated that a neighborhood meeting was held on Monday, May 13, 2013, onsite.

Mr. Kevin Barnes with Quattro Development was present to speak on behalf of these requests. Mr. Barnes stated that they would comply with all issues relative to this project. Mr. Barnes noted that he had met with the Engineering Department and the current site plan as submitted is 99.9% accurate with the exception of possibly have to relocate some landscaping.

No one was present to speak in opposition to these requests.

Commissioner Howard questioned Mr. Barnes as to the possible tenants that would be occupying this facility. Mr. Barnes stated that there would be a Popeye's restaurant, a mattress company, Cox, as well as Aspen Dental.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these items.

- 4. Rezoning #6-5-13; A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for a zone change from Transitional (T) to Commercial Heavy (C-5) by Extension located at 8100 Rogers Avenue. (companion item to item #5)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

5. A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for development plan approval of a retail development located at 8100 Rogers Avenue. (companion item to item #4)

Chairman Sharpe called for the vote on the development plan request. Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following:

- All construction must be built in accordance with the development plan as submitted. The conceptual development plan submitted will be further reviewed for all codes and ordinances when a more detailed plan is submitted for a building permit. The Planning Commission approval of the development plan does not waive or provide any variances for any codes or standards required for development.
- Platting is required. The plat shall be filed prior to the issuance of a building permit.
- A certified survey of the property shall be submitted at the time of building permit review.
- The proposed drive through window requires five queuing spaces and shall be shown and dimensioned on the site plan at the time of building permit review.
- The required width of the queuing aisle is twelve feet wide and shall be dimensioned on the site plan at the time of building permit review.
- No barrier shall be located between the queuing lane and the drive aisle. A passing aisle of twelve feet in width is required to be located adjacent to the queuing lane. This shall be shown on the site plan at the time of building permit review.
- All mechanical equipment, heating/cooling systems and utility boxes shall be completely screened from adjoining properties and street right-of-way. Ground mounted equipment, the screening shall consist of a wall, fence, or approved landscaping or the equipment must be enclosed within a building. Roof-mounted equipment, the screening shall be architecturally incorporated into the roof design and shall consist of materials that are visually compatible with the supporting building.

- The ten foot wide parking lot screening along Rogers Avenue shall be relocated to be adjacent to the right-of-way.
- The square footage of the paved surface area along with the square footage of each landscaped area not along property line to verify the interior landscaping requirement shall be submitted. This will be verified at the time of building permit review.
- All site and exterior building lighting shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow. This will be verified at the time of building permit review.
- No sign information was shown with the development plan. Separate sign permits shall be required.
- The parking spaces for the site shall comply with the UDO. No specific information was submitted concerning restaurant seating or retail space that would allow for a correct determination of the parking.
- All Engineering Department comments shall be addressed.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 8 in favor and 0 opposed.

6. Conditional Use #11-5-13; A request by Mike Alsup, Director of Parks and Recreation for the City of Fort Smith, for a conditional use for an athletic field located at 7200 Zero Street.

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is for approval of the construction of two (2) softball fields, a concession stand with restrooms and parking.

Mr. Mike Alsup with the City Parks Department was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the conditional use request. Motion was made by Commissioner Parks, seconded by Commissioner Cox and carried unanimously to amend this request to make approval subject to the following:

- All construction must be built in accordance with the submitted site plan.

- All landscaping shall be irrigated with an automatic irrigation system or the applicant shall supply the City with a maintenance plan specifying the method of keeping the plants alive with proper watering. This shall be verified upon submittal of the plans for building permit review.
- All signs, portable, wall, pole, flags, banners, etc. require a separate submittal and review process prior to their being permitted.
- All site and exterior building lighting shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow. This will be verified upon submittal of the plans for building permit review.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 8 in favor and 0 opposed.

- 7. A request by Jeff Lee, agent for Elizabeth Pornjaroen, for an off-site parking agreement for 3758 Midland Boulevard. (companion item to item #9)**
- 9. Variance #16-5-13; A request by Jeff Lee, agent for Elizabeth Pornjaroen, for a variance from 25 feet to 8.6 feet front yard setback located at 3758 Midland Boulevard. (companion item to item #7)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is for the approval of a "remote parking agreement" to be located at 3600 Midland Boulevard and approval of a variance request for a front yard setback in order to allow the owner to enlarge their dining room with an addition to the side of the Fried Rice restaurant building. Ms. Rice stated that a minimum of thirty-two (32) parking spaces are required and the restaurant only has room for twenty-three (23) onside parking spaces so TKO Auto Body Repair has agreed to share nine (9) parking spaces with Fried Rice thus satisfying their parking requirement.

Mr. Jeff Lee was present to speak on behalf of these requests.

No one was present to speak in opposition to the requests.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these requests.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

- 9. Variance #16-5-13; A request by Jeff Lee, agent for Elizabeth Pornjaroen, for a variance from 25 feet to 8.6 feet front yard setback located at 3758 Midland Boulevard. (companion item to item #7)**

Chairman Sharpe called for the vote on the variance request. The vote was 8 in favor and 0 opposed.

**RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISSION**

- 7. A request by Jeff Lee, agent for Elizabeth Pornjaroen, for an off-site parking agreement for 3758 Midland Boulevard. (companion item to item #9)**

Chairman Sharpe called for the vote on the parking agreement. Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the following:

- Remote parking must be located within 300 feet of the facility it serves.
- The parking facility must meet minimum code compliance for the required number of spaces and their configuration and delineation.
- The remote parking agreement must be approved by the Planning Commission and filed with the Sebastian County Clerk. Any change to the agreement must be approved by the Planning Commission.

Chairman Sharpe then called for the vote on the parking agreement request as amended. The vote was 8 in favor and 0 opposed.

**RECESS PLANNING COMMISSION
RECONVENE BOARD OF ZONING ADJUSTMENT**

- 8. Variance #15-4-13; A request by Bart Petray, agent for Sally Parker, for a variance from 25 feet to 15 feet front yard setback located at 5610 South Enid Street. (patio cover) (tabled from April)**

Ms. Maggie Rice read the staff report indicating that the purpose of this variance request is to allow the owner to add a cover over an existing patio to the side of the house to be constructed of wood to resemble the house.

Mr. Bart Petray was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the variance request. The vote was 8 in favor and 0 opposed.

- 10. Variance #17-5-13; A request by Wilma Griffith, agent for Alva and Kristen Beasley, for a variance from 10 feet to 4.7 feet interior side yard setback for Fitzgerald Addition, Block 83 proposed Lot 9A and from 10 feet to 4.7 feet interior side yard setback for Fitzgerald Addition, Block 83 proposed Lot 9B located at 2015 & 2021 Rogers Avenue.**

Ms. Maggie Rice read the staff report indicating that the purpose of the variance request is to allow the applicant to replat the lot into two (2) lots which would allow the two (2) separate buildings with different businesses to have individual lots for split ownership.

Ms. Wilma Griffith was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Commissioner Howard expressed his concerns relative to enough parking for the site and their inability to meet construction requirements. Commissioner Howard stated that he was reluctant to approve this variance without placing a condition on it that they be able to obtain a valid building permit.

It was noted that the Fire Marshal has already informed the applicant of the requirement of a one hour fire wall prior to these buildings being occupied. Ms. Rice stated that all issues would be addressed through the building permit process or the business license registration process.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the variance request. The vote was 8 in favor and 0 opposed.

Meeting Adjourned!

Memo

To: City Planning Commission
From: Planning Staff
Date: June 3, 2013
Subject: Zoning Ordinance Amendments – Unified Development Ordinance

Upon review of the proposed amended section Planning staff noticed some clarification was necessary. The proposed amendment clarifies the location of district boundaries relative to streets, alleys, and railroads. The proposed language simply clarifies where the boundary lines are measured.

All changes are highlighted on the attached page.

Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO.

Plan Classification	New Zoning District	Existing Zoning District
		I-42-O I-43-O I-4-SPL
Other		
Park/Open Space/ Floodway	<ul style="list-style-type: none"> No districts - Floodway must be FEMA mapped Park/Open Space must be identified by owner as same 	F-1 Any zoning classification O-1
Institutional	No districts, land use classifications identifies existing institutional uses as may be permitted in any district	All residential zones TOS-1 TOS-2 I-1 I-2 I-3 C-5 C-5 (SPL A-D) C-6- SPL H-1

27-402 Zoning Map

- A. Adoption and Maintenance.** The location and boundaries of the zoning districts established by the Unified Development Ordinance are shown on the City of Fort Smith Zoning Map, which is maintained by the Planning and Zoning Department. The zoning map shall be considered a part of the Unified Development Ordinance by reference. If there is any dispute regarding the zoning classifications of properties which are subject to the Unified Development Ordinance regulations, the zoning map kept by the Planning and Zoning Department shall govern.
- B. Location of District Boundaries.** The following rules shall apply in interpreting zoning district boundaries when the location of such boundaries are unclear:
- Where zoning district boundary lines are indicated as following alleys, streets, or railroads, the boundary lines are located and measured along the center line of the street right of way, railroad, or alley.

Memo

To: City Planning Commission

From: Planning Staff

Date: June 6, 2013

Re: Preliminary Plat/Development Plan Review - A request by Pat Mickle, agent for RA Young Properties Limited Partners, for Planning Commission consideration of a Preliminary Subdivision Plat and Preliminary Development Plan to develop a single family subdivision at 4101-4299 Cliff Drive. (Companion to item # 3)

LOT LOCATION AND SIZE

The subject property is on the north side of Cliff Drive and west of Leigh Avenue. The tract contains an area of 19.1 acres.

EXISTING ZONING (or) PROPOSED ZONING

The proposed zoning on this tract is Residential Single Family Medium Density (RS-2). Characteristics of this zone are as follows:

Purpose:

To provide for detached homes in low-to-medium density single family neighborhoods where adequate public services and facilities are available. The RS-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet
(1+1)

Maximum Height - 35 feet

Maximum Density – 4 Dwelling Units/Acre
50%

Maximum Lot Coverage -

Minimum Lot Width at Building Line – 75 feet

Minimum Street Frontage – 50 feet

Front Yard Setback - 30 feet

Side Yard on Street Side of Corner Lot - 30 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Single Family Row House and Zero Lot Line District (RS-5) and Residential Single Family Duplex Low/Medium Density (RSD-2) and are developed as zero lot line and duplex dwelling units.

The areas to the west are zoned Residential Single Family Duplex High Density (RSD-4) and Residential Single Family Duplex Low/Medium Density (RSD-2) and are developed as duplexes and single family dwellings.

The areas to the east and south are zoned Residential Three Acres (RE-3)/Residential Estate One Acre (RE-1) and are undeveloped.

PROPOSED DEVELOPMENT PLAN

The proposed preliminary plat and development plan will facilitate a 24-lot single family development. The proposed lots average approximately 20,000 s.f. in size with lot widths ranging from approximately 75' to 125' wide.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The traffic generated by the single family development will enter and exit on Cliff Drive. A secondary 20' access drive for construction use is proposed adjacent to Leigh Avenue in the northeast corner of the subdivision. The access drive will also be available for emergency services and as a pedestrian easement.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – A detention pond is proposed on Tract "B" in the southwest corner of the subdivision. The detention pond will be publicly maintained. Stormwater management/drainage shall comply with the 2011 Storm Drainage Standards.

2B

Right-of-way dedication – The proposed subdivision is adjacent to Cliff Drive and Leigh Avenue. The Engineering Department has determined that the proposed 60' right-of-way width for Cliff Drive and the 70' right-of-way for Leigh Avenue are adequate provided the road side ditches will permit sidewalk construction.

Sidewalks – Five-foot wide sidewalks are proposed along the perimeter of the subdivision adjacent to Cliff Drive and Leigh Avenue and on one side of the subdivision's interior streets.

Landscaping – A ten-foot wide landscape strip is proposed along the entire perimeter of the subdivision adjacent to Cliff Drive and Leigh Avenue. The area will be landscaped with one tree and ten shrubs for every 50 feet of linear feet of right of way frontage. Landscaping is also proposed for the subdivision entry at Cliff Drive.

Open Space – Tract A located in the southeast corner of the subdivision is proposed as an approximate 23,000 s.f. open space area. Landscaping is proposed for the tract and will be maintained by the Property Owner's Association.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held May 28, 2013 at Creekmore Park at 3301 South M Street. Three surrounding property owners were present at the neighborhood meeting. There were no objections to the proposed subdivision. A copy of the attendance record and meeting summary are enclosed.

Staff Comments

Staff recommends approval of the preliminary plat and preliminary development plan with the following comments:

1. Approval of the companion item for rezoning to RS-2 at the Planning Commission's July regular meeting.
2. The developer must agree to meet all franchise and city utility easement requirements.
3. The preliminary plat and final plat must comply with the city's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.

DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

See Attached

2. Address of property: 4101-4299 Cliff Drive

3. The above described property is now zoned: Not zoned

4. Does the development plan include a companion rezoning request?

Yes X No

5. If yes, please specify the companion application submitted:

- ☒ Conventional Rezoning
- ☐ Planned Rezoning
- ☐ Conditional Use
- ☐ Master Land Use Plan Amendment
- ☐ Variance

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:

RS-2 by Classification
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:

To the north and west, Leigh Ridge residential subdivision consists of attached & detached single family & duplexes. Zoning is R-6, R-2SF-DP, RSD-4. To the east the properties are undeveloped & not zoned; land designation is Residential Detached. To the south, across Cliff Drive, the property is not developed except for a City water reservoir and a gas well. Land use designation is Office, Research, Light Industrial to the east of the reservoir and Mixed Use Employment west of the reservoir.

8. Total acreage of property 19.1 acres

21

Signed:

Mickle Wagner Coleman, Inc.

~~Owner or Agent Name~~
(please print)

Owner

P.O. Box 1507, Fort Smith, AR 72902

~~Owner or Agent Mailing Address~~

or

Pat Mceno

Agent

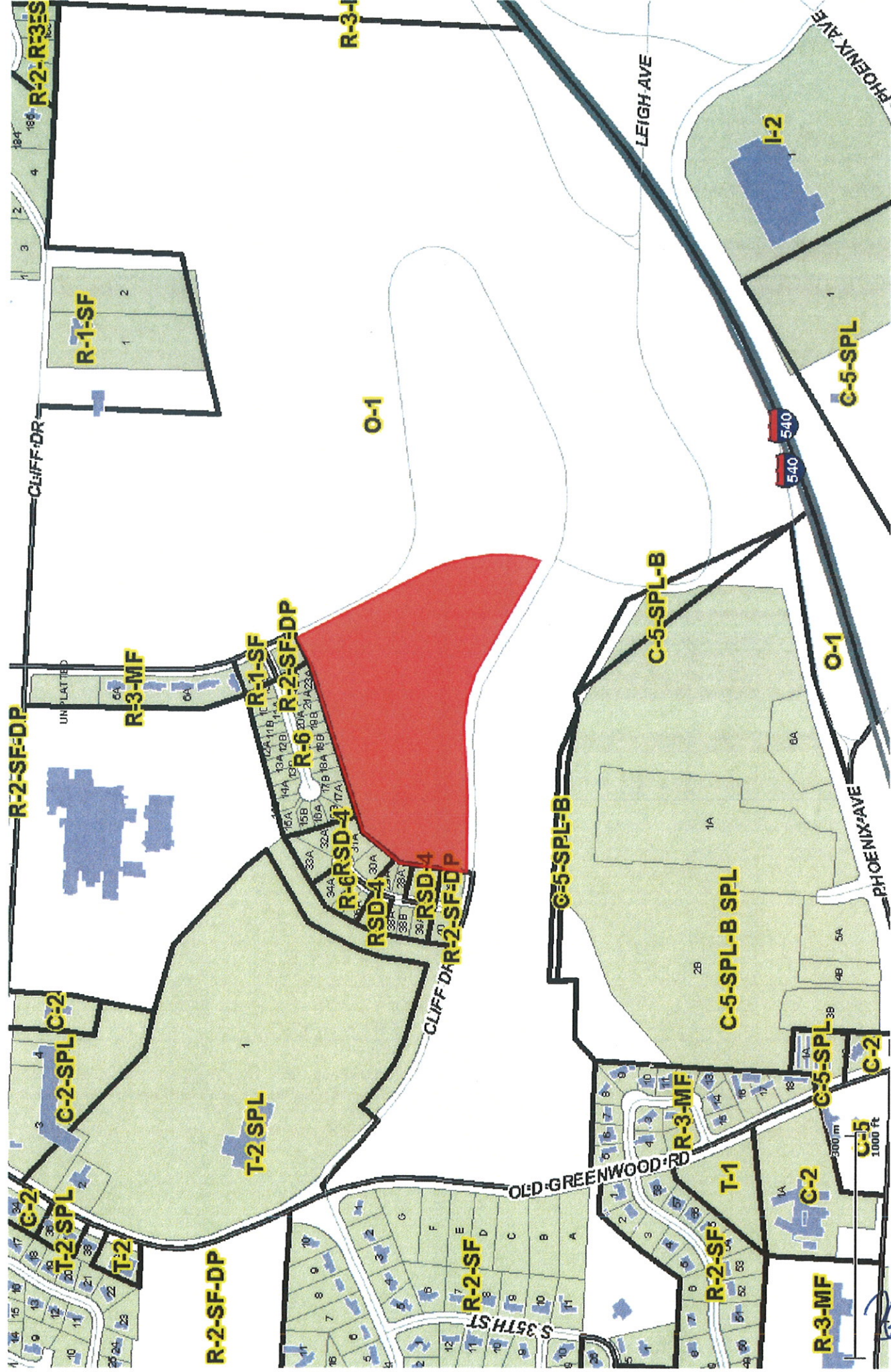
479-649-8484

~~Owner or Agent Phone Number~~

2E

Preliminary Development Plan: 24 lot single family residential development

4101-4299 Cliff Drive



Neighborhood Meeting Minutes
Horseshoe Ridge
May 28, 2013 5:30 PM
Creekmore Park – Rose Room
3301 South M Street, Fort Smith, Arkansas

A neighborhood meeting to discuss the Horseshoe Ridge subdivision project was held Tuesday, May 28, 2013 at 5:30 p.m. at the Creekmore Park Rose Room, 3301 South M Street, Fort Smith, Arkansas. In addition to the required notification area, the entire Sebastian Hills neighborhood was also notified. Pat Mickle & Cliff Ivey were present representing the developer and land owner. Mr. Mickle conducted the meeting. There were a total of six people in attendance, three of which were area neighbors from the Sebastian Hills neighborhood.

Pat Mickle gave a presentation on the purpose of the meeting, the zoning application, and development plan. Mr. Mickle explained that the zoning designation requested was single-family residential which the attendees indicated they supported. Mr. Mickle then went over the subdivision layout, pointed out the lot sizes, the access point on Cliff Drive, and the perimeter landscaping features. The neighbors indicated they would speak with other neighbors and advise of the specifics of the project. They indicated they had no objections to the proposals.

There being no other comments, the meeting adjourned at 6:00 p.m.


Patrick J. Mickle

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Creekmore Park Rose Room, 3301 South M Street, Fort Smith, AR

Meeting Time & Date Tuesday May 28, 2013 @ 5:30 p.m.

Meeting Purpose To discuss Horseshoe Ridge subdivision and zoning

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Tyler Miller	City of Fort Smith	479-784-2241
2.	Pat Micene	Muc	649-8484
3.	Cliff Ivey	Ivey LLC	479-414-9432
4.	Claudia Edwards	3418 Cliff Dr.	479 648-6728
5.	Bernice Brown	3410 cliff Dr	479 646 2033
6.	Mark Edwards	3418 Cliff Dr	479-648-6728
7.			
8.			
9.			
10.			
11.			

Memo

To: City Planning Commission

From: Planning Staff

Date: May 28, 2013

Re: Rezoning #7-6-13 - A request by Pat Mickle, agent for RA Young Properties Limited Partners, for Planning Commission consideration of a zone request from Residential Estate Three Acres and Residential Estate One Acre to Residential Single Family Medium Density (RS-2) by classification at 4101-4299 Cliff Drive (Companion to item # 2)

LOT LOCATION AND SIZE

The subject property is on the north side of Cliff Drive. The tract contains an area of 19.1 acres.

REQUESTED ZONING

The proposed zoning on this tract is Residential Single Family Medium Density (RS-2). Characteristics of this zone are as follows:

Purpose:

To provide for detached homes in low-to-medium density single family neighborhoods where adequate public services and facilities are available. The RS-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet
(1+1)

Maximum Height - 35 feet

Maximum Density – 4 Dwelling Units/Acre
50%

Maximum Lot Coverage -

Minimum Lot Width at Building Line – 75 feet

Minimum Street Frontage – 50 feet

Front Yard Setback - 30 feet

Side Yard on Street Side of Corner Lot - 30 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Single Family Row House and Zero Lot Line District (RS-5) and Residential Single Family Duplex Low/Medium Density (RSD-2) and are developed as zero lot line and duplex dwellings.

The areas to the west are zoned Residential Single Family Duplex High Density (RSD-4) and Residential Single Family Duplex Low/Medium Density (RSD-2) and are developed as duplexes dwellings.

The areas to the east and south are zoned Residential Estate Three Acres and Residential Estate One Acre and are undeveloped.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

PROPOSED ZONING

The proposed zoning will support a single family subdivision.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held May 28, 2013 at Creekmore Park at 3301 South M Street. Three surrounding property owners attended the meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

It was noticed by staff that the application incorrectly showed the existing zoning of the property as Not Zoned. Unfortunately, staff noticed the error too late to amend the legal publication to comply with the requirement that the legal notice be published 15 days prior to the planning commission meeting. Staff recommends that the zoning request be tabled to the July meeting. The applicant concurs with staff's recommendation and has submitted a letter requesting that the application be tabled to the July meeting.

3B



Patrick J. Mickle, P.E.
Neal B. Wagner, PLS
Randell C. Coleman, P.E.
Andrew J. Dibble, P.E.

June 5, 2013

Ms. Brenda Andrews
City of Fort Smith
Planning Department
P.O. Box 1908
Fort Smith, Arkansas 72902

Re: Horseshoe Ridge Subdivision

Dear Ms. Andrews:

Please let this letter serve as our request for the Planning Commission to table consideration of Rezoning Application #7-6-13, submitted for the above referenced project, until the July, 2013 Planning Commission meeting.

We do, however, wish for the Preliminary Development Plan/Preliminary Plat to remain on the agenda for consideration by the Planning Commission on June 11, 2013.

Thank you,

A handwritten signature in dark ink, appearing to read "P. J. Mickle".

Patrick J. Mickle, P.E.

f:\doc\letters\horseshoe ridge - rezoning tabled.doc

MICKLE WAGNER COLEMAN, INC.

3434 Country Club Avenue 72903 • P O Box 1507 72902 • Fort Smith, Arkansas • (479) 649-8484 • Fax (479) 649-8486
info@mw-c-enr.com

3C

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

See Attached

2. Address of property: 4101-4299 Cliff Drive
3. The above described property is now zoned: Not Zoned
4. Application is hereby made to change the zoning classification of the above described property to RS-2 by Classification.
(Extension or classification)
5. Why is the zoning change requested?
To enable development of property into a single family detached residential
subdivision.
6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Mickle Wagner Coleman, Inc.

~~Owner or Agent Name~~
(please print)

Owner

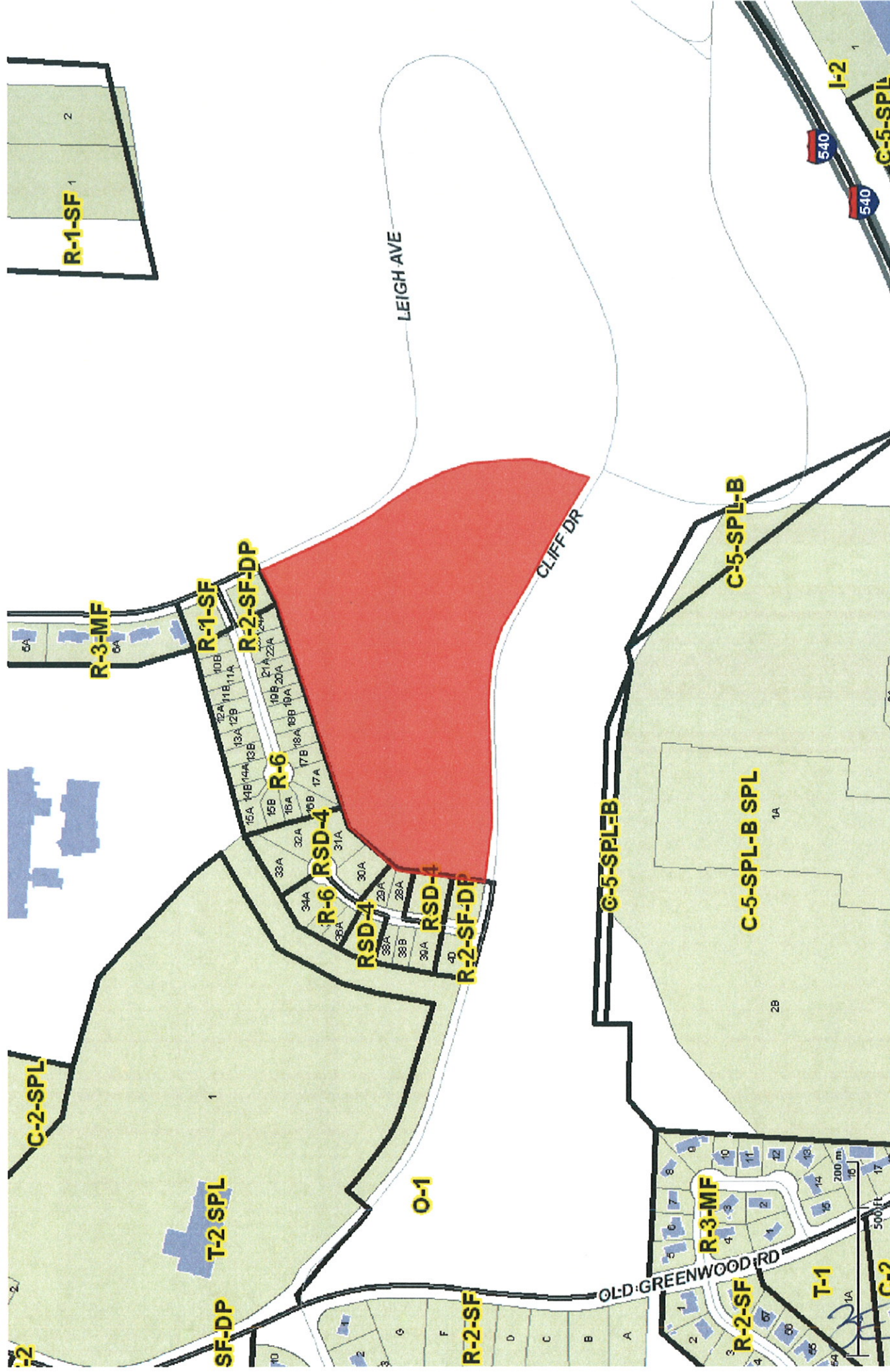
P.O. Box 1507, Fort Smith, AR 72902
~~Owner or Agent Mailing Address~~

or
Pat Mickle
Agent

479-649-8484
~~Owner or Agent Phone Number~~

Rezoning #7-6-13: From Open-1 (O-1) to Residential Single Family Medium Density (RS-2)

4101-4299 Cliff Drive



**Neighborhood Meeting Minutes
Horseshoe Ridge
May 28, 2013 5:30 PM
Creekmore Park – Rose Room
3301 South M Street, Fort Smith, Arkansas**

A neighborhood meeting to discuss the Horseshoe Ridge subdivision project was held Tuesday, May 28, 2013 at 5:30 p.m. at the Creekmore Park Rose Room, 3301 South M Street, Fort Smith, Arkansas. In addition to the required notification area, the entire Sebastian Hills neighborhood was also notified. Pat Mickle & Cliff Ivey were present representing the developer and land owner. Mr. Mickle conducted the meeting. There were a total of six people in attendance, three of which were area neighbors from the Sebastian Hills neighborhood.

Pat Mickle gave a presentation on the purpose of the meeting, the zoning application, and development plan. Mr. Mickle explained that the zoning designation requested was single-family residential which the attendees indicated they supported. Mr. Mickle then went over the subdivision layout, pointed out the lot sizes, the access point on Cliff Drive, and the perimeter landscaping features. The neighbors indicated they would speak with other neighbors and advise of the specifics of the project. They indicated they had no objections to the proposals.

There being no other comments, the meeting adjourned at 6:00 p.m.


Patrick J. Mickle

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Creekmore Park Rose Room, 3301 South M Street, Fort Smith, AR

Meeting Time & Date Tuesday May 28, 2013 @ 5:30 p.m.

Meeting Purpose To discuss Horseshoe Ridge subdivision and zoning

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tyler Miller</u>	<u>City of Fort Smith</u>	<u>479-784-2241</u>
2.	<u>Pat Mickle</u>	<u>Mur</u>	<u>649-8484</u>
3.	<u>Cliff Ivey</u>	<u>Ivey MC</u>	<u>479-414-9432</u>
4.	<u>Claudia Edwards</u>	<u>3418 Cliff Dr.</u>	<u>479 648-6728</u>
5.	<u>Bernice Brown</u>	<u>3410 cliff Dr</u>	<u>479 646 2033</u>
6.	<u>Mark Edwards</u>	<u>3418 Cliff Dr.</u>	<u>479-648-6728</u>
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____

Memo

To: City Planning Commission

From: Planning Staff

Date: May 28, 2013

Re: Conditional Use #14-6-13 - A request by Anthony Leraris, agent, for Dwight Curry and Lynn Curry for Planning Commission consideration of a Conditional Use request to develop an event center at 7607 Rogers Avenue

LOT LOCATION AND SIZE

The subject property is on the north side of Rogers Avenue between South 74th Street and South 79th Street. The tract contains an area of 2.94 acres.

EXISTING ZONING

The existing zoning on this tract is Commercial Light (C-2).
Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event

4A

center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 7,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Collector or higher	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Transitional (T) and is developed as Mercy Fitness Center.

The area to the east is zoned Commercial Heavy (C-5) and is developed as Savers and Kohl's.

The areas to the south are zoned Commercial Light (C-2) and Commercial Heavy (C-5) and are developed as Verizon Wireless, KFC, Braum's, Liquor Mart, and Super Cuts.

The area to the west is zoned Commercial Heavy (C-5) and is developed as Cavenders Western Outfitter, Dollar Tree, and Movie Lounge.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

4B

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the zone change will not conflict with the goals and objectives of the Master Land Use Plan.

PROPOSED CONDITIONAL USE

The applicant proposes to operate an approximate 7,500 s.f. event center in the subject existing space to host large events. Modifications to the interior and exterior are proposed to accommodate the new use.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, June 3, 2013 onsite. No surrounding property owners were in attendance.

Staff recommends approval of the application.

Conditional Use # 14-6-13

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Epic Events Exhibition Center

Name of Authorized Agent (if applicable) Anthony S. Leraris – Architect

Legal Description of property included in the conditional use request:

See Attachments – Exhibit “A”

Street Address of Property:

7607 Rogers Ave. Fort Smith, AR

Existing Zoning Classification:

C-2 SPL

Proposed Zoning Classification (if applicable):

N.A.

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Exhibition Center will require a Conditional Use because of internal development of the existing spaces.

What amenities are proposed such as landscaping and screening?

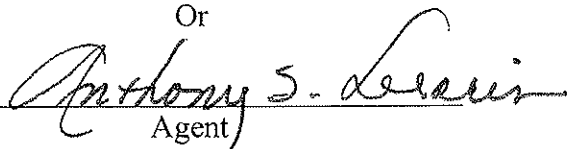
Landscaping “islands” can be constructed near the entrance to the facility, but some existing parking spaces will have to be eliminated.

Anthony S. Leraris
Owner or Agent Name (please print)

Signed:

907 South 21st St. Fort Smith, AR
Owner or Agent Mailing Address

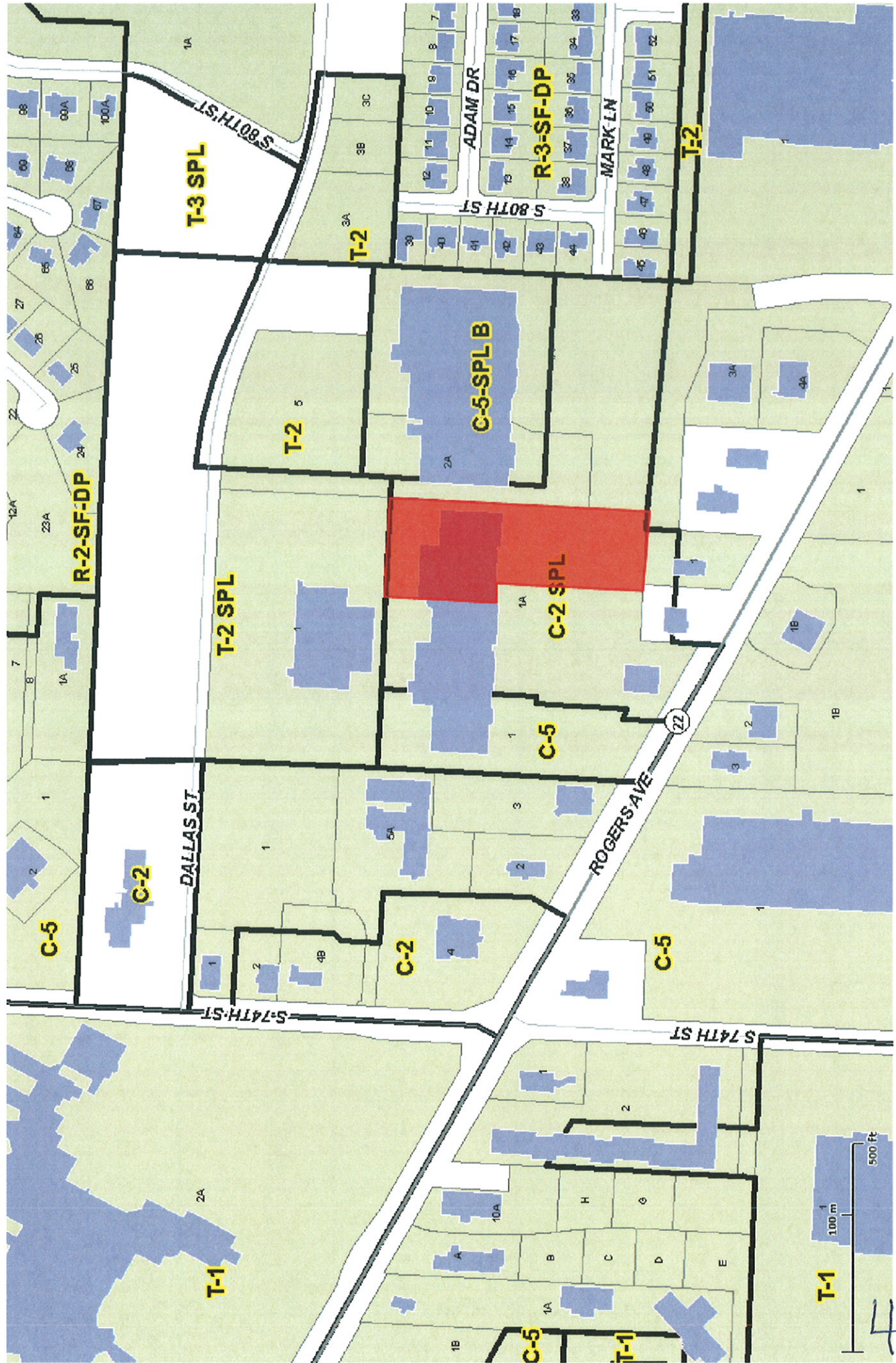
479-783-8395
Owner or Agent Phone Number

Or

Agent

4D

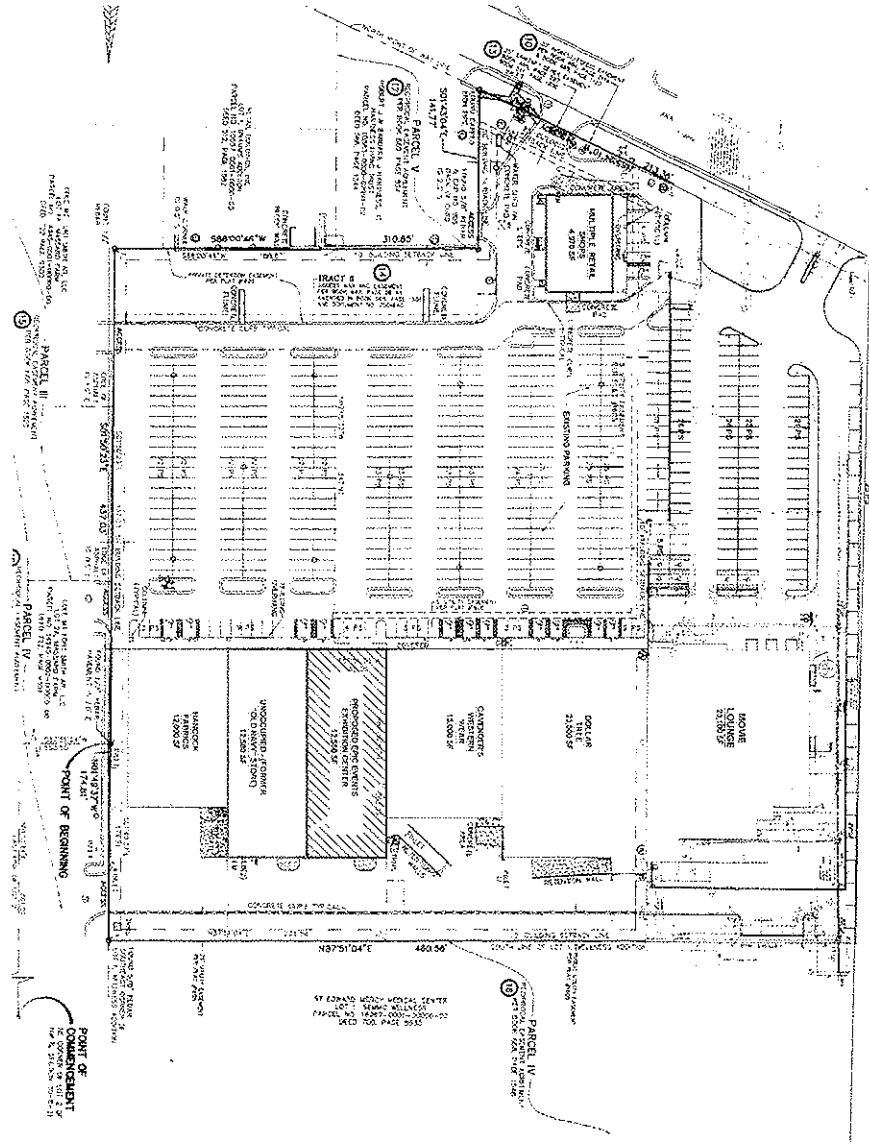
Conditional Use #14-6-13: Event Center

7607 Rogers Avenue



ARCHITECTURAL SITE PLAN

NOTES: EXISTING PARKING SPACES • SEE EXISTING IN THE SHEETS



ARCHITECTS • PLANNERS

CI OF 1

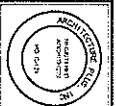
PROJECT 13-13
DATE: 05-15-13

REVISIONS

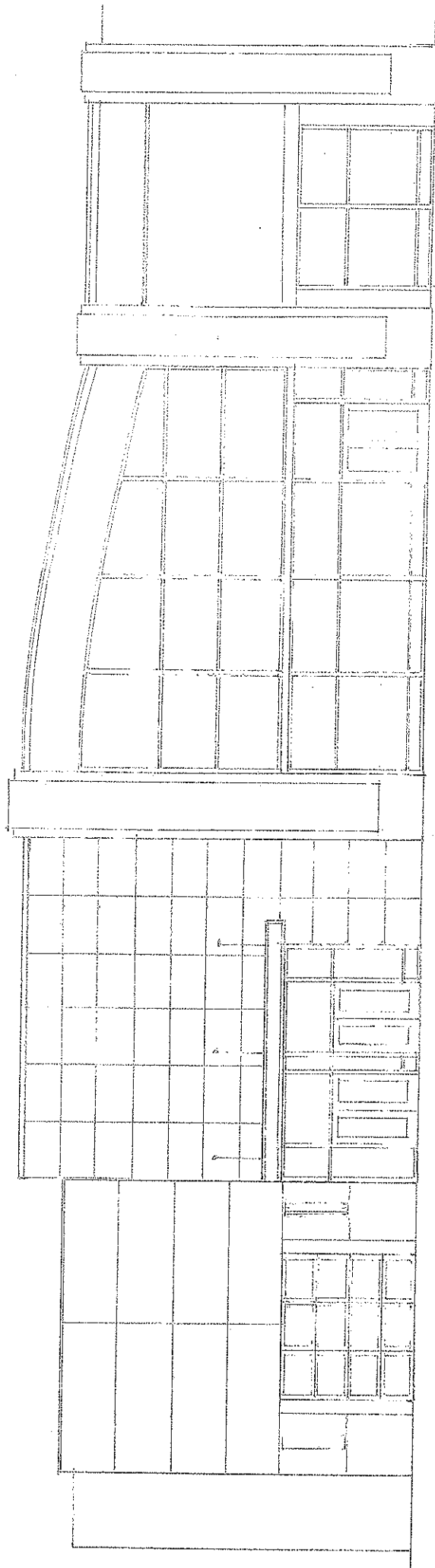
ARCHITECTURE PLUS, INC.	
907 South 21st Street, Fort Smith, Arkansas 72533-4395	

EPIC EVENTS EXHIBITION CENTER

7607 ROGERS AVE.
FORT SMITH, ARKANSAS



4F



REVISED SOUTH ELEVATION - "ERIC EVANS' EXHIBITION"
18-1-05 MAY 15, 2013